

# *Supreme Court*

## *2004 Annual Caseload*

### *Report*

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# Supreme Court Highlights

## Reporting Changes

- In 2004, the Supreme Court of Washington State continued the improved caseload reporting model initiated in 2003. The restructured measurements and tables better reflect the work of the Court and improve data support for projects of import to the judiciary. These changes were facilitated by the Court's June 2003 implementation of the new Appellate Court Records and Data System (ACORDS-II). Definitions and measurements in 2003 and future reports are not comparable to those reported in prior publications.

## Filings

- The Supreme Court received 1,679 new filings in 2004. Almost three quarters (72.3% - 1,214 cases) were received from the Court of Appeals. Other sources of new case filings included original actions (10.3% - 173 cases), trial courts (9.0% - 151 cases), and the Washington State Bar Association [WSBA] and the Commission on Judicial Conduct [CJC] ( a combined 8.3% - 139 cases). Two cases (0.1% of total filings) were certified by federal courts to the Washington State Supreme Court for determination of a question of state law not determined by reference to the United States Constitution.
- Of the 151 cases received from the trial courts, 56 (37.1%) were notices of appeal-and those were predominantly civil matters (85.7%, as contrasted with the 14.3% criminal appeals). Over a third of cases from the trial courts (42.4% - 64 cases) addressed expenditures of public funds, and the remaining 31 cases (20.5%) were discretionary reviews of trial court interlocutory orders.
- Nine actions against state officers, 144 personal restraint petitions, and 20 miscellaneous reviews were filed as original actions in the Supreme Court.
- WSBA and CJC cases climbed from 99 in 2003 to 139 in 2004. These cases are a relatively small, but important, portion of the Court's total caseload. They include attorney admissions and discipline matters, and in 2004 additionally included two judicial conduct cases.
- The 1,679 total Supreme Court filings represent a 12.6% increase over new filings the prior year, reversing a downward trend evident since 2000. Increase occurred in cases from all sources.

## Resolutions

- The Supreme Court resolved 1,658 cases in 2004, keeping pace with the 1,679 new filings during that period.
- During 2004, the Court issued 129 opinions. Review was not accepted for 338 cases. The remaining 1,191 resolutions included dismissals, transfers to the Court of Appeals, and other terminations by order prior to the rendering of an opinion.

## Pending

- At year's end, 796 cases were pending resolution by the Supreme Court - a 132-case increase over the prior year's figure. This is consistent with the 188-case jump in filings over the course of the year.

- Opinion/order was in process for 56 (7.0%) of the pending cases. The majority of pending cases at year's end (633 - 79.5%) were awaiting pleadings. The remainder (107 cases - 13.4%) were ready for setting, set on a calendar, or stayed.

# Supreme Court Glossary

This glossary is included to assist in understanding the statistical tables.

## Filings

**Notice Of Appeal** - A review of a trial court decision in these select circumstances: review is authorized statutorily; an issue of constitutionality is involved; conflicting appellate decisions are at issue; questions of public importance are raised; or, the death penalty was decreed. Notices of appeal directly following a judgment in a superior court as a matter of right must be filed within 30 days. Notices of appeal are categorized into criminal and civil appeals.

Cases opened on notice of appeal can reach the Supreme Court by these means: direct appeal from trial court; certification by the Court of Appeals; granting of a motion to transfer an appeal from the Court of Appeals; or an administrative transfer initiated by the Supreme Court to relieve pressure on the Court of Appeals or because a similar case is already being heard by the Supreme Court.

**Petitions For Review** - A review of any Court of Appeals' decision terminating review. The Supreme Court only accepts reviews of decisions that conflict with other Supreme Court or Court of Appeals' decisions, that involve a significant question of law under the federal or state constitution, or that concern "an issue of substantial public interest..." (Rules of Appellate Procedure (RAP) 13.4).

**Other Reviews** - The five following categories are grouped under the title "Other Reviews": personal restraint petitions, discretionary reviews, original actions against state officers, petitions for expenditures of public funds, and reviews certified from federal court.

**Personal Restraint Petition** - A petition to seek relief from limitations on a person's freedom due to current or imminent confinement. The Supreme Court normally exercises its jurisdiction over such petitions by transferring them to the Court of Appeals (RAP 16.5).

**Discretionary Review** - A review of interlocutory orders of the superior court. Reviews made prior to a final determination of the case, in which a party argues that the trial court has committed an error pursuant to RAP 2.3(b). Discretionary reviews are in the purview of the Supreme Court under most of the same conditions that apply for notices of appeal. The Supreme Court may be requested by motion for discretionary review, to review interlocutory Court of Appeals' decisions, and decisions on personal restraint petitions.

**Actions Against State Officers** - Both the Supreme Court and the superior courts have concurrent original jurisdiction over a petition against a state officer in the nature of quo warranto, prohibition, and mandamus (RAP 16.2), generally preventing a continued exercise of authority unlawfully asserted.

**Petitions For Expenditures Of Public Funds** - Petitions for expenditure from the indigent defense fund (RAP 15.2).

**Certified From Federal Court** - Reviews certified to determine a question of state law which does not involve a question determined by reference to the United States Constitution (RAP 16.16).

## Dispositions

Cases are considered officially disposed in the Supreme Court as soon as a decision terminating review is filed with the Supreme Court Clerk.

**Opinions** - Those cases which were reviewed by the Court and had an opinion written.

**Motion On The Merits** - Termination of a review due to the granting of a motion on the merits (RAP 18.14).

**Dismissed** - An order, issued by the Court, dismissing the review prior to a determination of the merits. The commissioner or clerk may dismiss a review for failure to comply with procedures. The Court, on motion of a party, may dismiss a review if the review is frivolous, moot, or solely for the purpose of delay. Also, the Court may dismiss reviews for want of prosecution or for failure to comply with procedures (RAP 18.9).

**Transferred To Court Of Appeals** - To promote the orderly administration of justice, the Supreme Court may, on its own initiative or on motion of a party, transfer a case to the Court of Appeals.

**Review Not Accepted** - Reviews disposed through this manner are not accepted because they fail to meet the requirements of review stated in Rule 2 and Rule 13 of the Rules of Appellate Procedure. These requirements are summarized in the above glossary definitions for each review type.

**Terminated** - An order issued by the Court terminating the review before an opinion is rendered. An order to terminate a review would result if, for example, a petitioner decided to withdraw the review.

## Pending

**Case Stayed** - Those cases temporarily arrested or removed from judicial processing by order of the Court.

**Ready For Setting** - Those cases within the stages of perfection which have at minimum had the briefs filed but have yet to be set on the Court calendar for review.

**Not Ready For Setting** - Those cases within the stages of perfection which are ready for consideration but have yet to file further pleadings.

**Set For Motion On The Merits** - Those cases which have been set on the motion on the merits calendar (RAP 18.14).

**Set For Oral Argument** - Those cases which have progressed to the point at which all briefs were filed and served and have been set for review.

**Opinion/Order In Process** - Those cases which have been reviewed by the Court but have yet to receive a decision.

## Mandated

A decision is mandated by the Clerk of the Supreme Court with a written notification of the Court's decision to the originating court and the parties involved.

The Supreme Court  
Court Activity by Source of Review, 2004

	Trial Courts	Court of Appeals	Original Actions	WSBA <sup>2</sup> /CJC	Certified Issues	TOTAL
<b>FILINGS</b>						
Total Filings	151	1,214	173	139	2	1,679
<b>RESOLUTIONS<sup>1</sup></b>						
Opinions	22	81	16	7	3	129
Motion on the Merits	0	0	0	0	0	0
Dismissed	0	10	5	1	0	16
Transferred	14	5	46	0	0	65
Review Not Accepted	1	313	24	0	0	338
Other Terminations	110	705	54	241	0	1,110
Total Resolved	147	1,114	145	249	3	1,658
<b>PENDING AT YEAR END<sup>1</sup></b>						
Cases Stayed	2	25	22	N/A	0	49
Cases Ready	7	5	1	N/A	0	13
Cases Not Ready	47	545	41	N/A	0	633
Set for Motion on Merits	0	0	0	N/A	0	0
Set for Motion Calendar	0	4	0	N/A	0	4
Set for Oral Argument	3	34	4	N/A	0	41
Total Awaiting Hearing	59	613	68	N/A	0	740
Opinion/Order in Process	11	42	2	N/A	1	56
Total Pending Decision	70	655	70	N/A	1	796
<b>MANDATED</b>						
Opinions	20	85	14	13	3	135
Other	130	1,020	115	264	0	1,529
Total Mandated	150	1,105	129	277	3	1,664

<sup>1</sup> As a result of the recent transition to the new Appellate Court Records and Data System (ACORDS-II), measurement of resolution types and the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

<sup>2</sup> Prior to 2003, resolution and mandate information was not reported for cases from the Washington State Bar Association and the Commission on Judicial Conduct. Recording of this information began for resolutions occurring in 2003 and beyond, but is not available retroactively. As a consequence: (1) pending information is not available for WSBA and CJC cases, and (2) resolution and mandate information is available only for 2003 and beyond.

The Supreme Court  
Court Activity, Cases from Trial Courts, 2004

	-----Appeals-----			-----Discr. Review-----			Death Penalty Review	Exp Public Funds <sup>1</sup>	TOTAL
	Criminal	Civil	Total	Criminal	Civil	Total			
<b>FILINGS</b>									
Total Filings	8	48	56	10	21	31	0	64	151
<b>RESOLUTIONS<sup>2</sup></b>									
Opinions	2	15	17	0	4	4	1	0	22
Motion on the Merits	0	0	0	0	0	0	0	0	0
Dismissed	0	0	0	0	0	0	0	0	0
Transferred	1	12	13	0	0	0	0	1	14
Review Not Accepted	0	0	0	1	0	1	0	0	1
Other Terminations	3	27	30	6	23	29	0	51	110
Total Resolved	6	54	60	7	27	34	1	52	147
<b>PENDING AT YEAR END<sup>2</sup></b>									
Cases Stayed	0	2	2	0	0	0	0	0	2
Cases Ready	0	1	1	5	1	6	0	0	7
Cases Not Ready	10	19	29	1	3	4	1	13	47
Set for Motion on Merits	0	0	0	0	0	0	0	0	0
Set for Motion Calendar	0	0	0	0	0	0	0	0	0
Set for Oral Argument	0	2	2	0	0	0	1	0	3
Total Awaiting Hearing	10	24	34	6	4	10	2	13	59
Opinion/Order in Process	1	8	9	0	1	1	1	0	11
Total Pending Decision	11	32	43	6	5	11	3	13	70
<b>MANDATED</b>									
Opinions	2	15	17	0	2	2	1	0	20
Other	4	39	43	8	25	33	0	54	130
Total Mandated	6	54	60	8	27	35	1	54	150

<sup>1</sup> Expenditure of Public Funds.

<sup>2</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of resolution types and the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

The Supreme Court  
Court Activity, Cases from Court of Appeals, 2004

	--Petition for Review--			-- Motions for --- Discr. Review ---			Discr. Review PRP	Certifi- cations	Transfers (party motions)	TOTAL
	Criminal	Civil	Total	Criminal	Civil	Total				
<b>FILINGS</b>										
Total Filings	444	319	763	51	72	123	321	0	7	1,214
<b>RESOLUTIONS<sup>1</sup></b>										
Opinions	27	37	64	0	0	0	7	2	8	81
Motion on the Merits	0	0	0	0	0	0	0	0	0	0
Dismissed	5	4	9	0	0	0	1	0	0	10
Transferred	2	2	4	1	0	1	0	0	0	5
Review Not Accepted	49	28	77	3	1	4	232	0	0	313
Other Terminations	323	205	528	47	62	109	61	0	7	705
Total Resolved	406	276	682	51	63	114	301	2	15	1,114
<b>PENDING AT YEAR END<sup>1</sup></b>										
Cases Stayed	15	6	21	1	0	1	3	0	0	25
Cases Ready	2	0	2	0	0	0	3	0	0	5
Cases Not Ready	267	180	447	10	24	34	59	0	5	545
Set for Motion on Merits	0	0	0	0	0	0	0	0	0	0
Set for Motion Calendar	3	1	4	0	0	0	0	0	0	4
Set for Oral Argument	17	14	31	0	0	0	3	0	0	34
Total Awaiting Hearing	304	201	505	11	24	35	68	0	5	613
Opinion/Order in Process	18	22	40	0	0	0	0	0	2	42
Total Pending Decision	322	223	545	11	24	35	68	0	7	655
<b>MANDATED</b>										
Opinions	29	36	65	0	0	0	9	3	8	85
Other	377	232	609	47	62	109	297	0	5	1,020
Total Mandated	406	268	674	47	62	109	306	3	13	1,105

<sup>1</sup> As a result of the recent transition to the new Appellate Court Records and Data System (ACORDS-II), measurement of resolution types and the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

The Supreme Court  
 Court Activity, Original Actions and Federal Court, 2004

	Actions Against State Officers	Personal Restraints	Death Penalty PRP	Misc. Reviews	TOTAL	Certified from Federal Court
<b>FILINGS</b>						
Total Filings	9	144	0	20	173	2
<b>RESOLUTIONS<sup>1</sup></b>						
Opinions	2	12	2	0	16	3
Motion on the Merits	0	0	0	0	0	0
Dismissed	0	5	0	0	5	0
Transferred	0	46	0	0	46	0
Review Not Accepted	0	23	0	1	24	0
Other Terminations	7	28	0	19	54	0
Total Resolved	9	114	2	20	145	3
<b>PENDING AT YEAR END<sup>1</sup></b>						
Cases Stayed	0	22	0	0	22	0
Cases Ready	0	1	0	0	1	0
Cases Not Ready	0	37	2	2	41	0
Set for Motion on Merits	0	0	0	0	0	0
Set for Motion Calendar	0	0	0	0	0	0
Set for Oral Argument	1	2	0	1	4	0
Total Awaiting Hearing	1	62	2	3	68	0
Opinion/Order in Process	0	2	0	0	2	1
Total Pending Decision	1	64	2	3	70	1
<b>MANDATED</b>						
Opinions	1	12	1	0	14	3
Other	5	93	0	17	115	0
Total Mandated	6	105	1	17	129	3

<sup>1</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of resolution types and the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

The Supreme Court  
 Court Activity, Cases from WSBA and Commission on Judicial Conduct, 2004

	----- Washington State Bar Association -----						-Comm. on Judicial Conduct-				
	Admissn Appeals	Admissn Petition	Discpl Appeals	Discr. Review	Discpl Show Cause	Discpl Other <sup>1</sup>	Total WSBA	Discpl/ Disblty Appeals	Discpl/ Disblty Discr.R	Total CJC	TOTAL
<b>FILINGS</b>											
Total Filings	0	7	10	9	15	96	137	1	1	2	139
<b>RESOLUTIONS<sup>2</sup></b>											
Opinions	0	0	7	0	0	0	7	0	0	0	7
Motion on the Merits	0	0	0	0	0	0	0	0	0	0	0
Dismissed	0	0	1	0	0	0	1	0	0	0	1
Transferred	0	0	0	0	0	0	0	0	0	0	0
Review Not Accepted	0	0	0	0	0	0	0	0	0	0	0
Other Terminations	0	0	133	14	20	74	241	0	0	0	241
Total Resolved	0	0	141	14	20	74	249	0	0	0	249
<b>PENDING AT YEAR END<sup>2</sup></b>											
Cases Stayed	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Cases Ready	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Cases Not Ready	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Set for Motion on Merits	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Set for Motion Calendar	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Set for Oral Argument	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total Awaiting Hearing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Opinion/Order in Process	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total Pending Decision	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>MANDATED<sup>2</sup></b>											
Opinions	0	0	13	0	0	0	13	0	0	0	13
Other	4	16	136	15	20	73	264	0	0	0	264
Total Mandated	4	16	149	15	20	73	277	0	0	0	277

<sup>1</sup> Includes Notice of Discipline, Stipulation and Reciprocal Discipline, Disability Inactive Status Appeal, Transfer to Disability Inactive Status, Financial and Miscellaneous Non-Discipline.

<sup>2</sup> Prior to 2003, resolution and mandate information was not reported for cases from the Washington State Bar Association and the Commission on Judicial Conduct. Recording of this information began for resolutions occurring in 2003 and beyond, but is not available retroactively. As a consequence: (1) pending information is not available for WSBA and CJC cases, and (2) resolution and mandate information is available only for 2003 and beyond.

The Supreme Court  
History of Filings, 2000-2004<sup>1</sup>

	2000	2001	% Chg <sup>4</sup>	2002	% Chg <sup>4</sup>	2003	% Chg <sup>4</sup>	2004	% Chg <sup>4</sup>
<b><u>TRIAL COURTS</u></b>									
Criminal Appeals	4	8		5		5		8	
Civil Appeals	39	48		56		52		48	
Total Appeals	43	56		61		57		56	
Direct Discretionary Review	27	19		23		28		31	
Death Penalty Review	0	3		1		0		0	
Exp. Public Funds	33	40		61		46		64	
TOTAL--TRIAL COURTS	103	118	14.6%	146	23.7%	131	-10.3%	151	15.3%
<b><u>COURT OF APPEALS</u></b>									
Criminal	413	373		367		427		444	
Civil	319	327		315		300		319	
Total Petition for Review	732	700		682		727		763	
Motion for Discr. Review	368	112		135		107		123	
Motion for Discr. Rvw of PRP <sup>2</sup>	37	301		280		286		321	
Certifications/Transfers	14	9		15		12		7	
TOTAL--COURT OF APPEALS	1,151	1,122	-2.5%	1,112	-0.9%	1,132	1.8%	1,214	7.2%
<b><u>ORIGINAL ACTIONS AND CERTIFIED FROM FEDERAL COURT</u></b>									
TOTAL--ORIG. ACTIONS & FED COURT <sup>3</sup>	316	176	-44.3%	125	-29.0%	129	3.2%	175	35.7%
<b><u>WSBA/CJC</u></b>									
TOTAL--WSBA/CJC	230	241	4.8%	159	-34.0%	99	-37.7%	139	40.4%
TOTAL FILED	1,800	1,657	-7.9%	1,542	-6.9%	1,491	-3.3%	1,679	12.6%

<sup>1</sup> Implementation of the new Appellate Court Records and Data System (ACORDS-II) in the Supreme Court on 6/09/2003 has enabled improved reporting categories and inclusion of review types that were not published in previous annual reports (death penalty reviews, attorney admission and discipline matters, and miscellaneous motions for review). Figures for all years have been recomputed accordingly for presentation in the 2003 and future publications.

<sup>2</sup> Improved coding in late 2000 now allows distinct reporting of (1) Motions for Discretionary Review and (2) Motions for Discretionary Review of PRP. Prior to 2001, both are included in Motions for Discretionary Review.

<sup>3</sup> The overwhelming majority of personal restraint petitions that were filed in 2000 and stayed as of 12/31/2000, were awaiting the opinion in *In re Personal Restraint of Matteson*, 142 Wn.2d 298, 12 P.3d 585 (2000). That opinion was filed 11/02/2000, and Certificate of Finality was issued 1/24/2001. The stayed cases were dismissed in 2001.

<sup>4</sup> Percentages are not reported when numbers are small (less than 30).

The Supreme Court  
History of Resolutions, 2000-2004<sup>1</sup>

	2000	2001	% Chg <sup>5</sup>	2002	% Chg <sup>5</sup>	2003	% Chg <sup>5</sup>	2004	% Chg <sup>5</sup>
<b><u>TRIAL COURTS</u></b>									
Criminal Appeals	10	13		6		1		6	
Civil Appeals	50	32		56		49		54	
Total Appeals	60	45		62		50		60	
Direct Discretionary Review	21	17		34		15		34	
Death Penalty Review	0	0		0		0		1	
Exp. Public Funds	43	34		64		48		52	
TOTAL--TRIAL COURTS	124	96	-22.6%	160	66.7%	113	-29.4%	147	30.1%
<b><u>COURT OF APPEALS</u></b>									
Criminal	475	340		329		369		406	
Civil	321	309		286		328		276	
Total Petition for Review	796	649		615		697		682	
Motion for Discr. Review	402	144		125		103		114	
Motion for Discr. Rvw of PRP <sup>2</sup>	1	270		285		275		301	
Certifications/Transfers	20	13		9		12		17	
TOTAL--COURT OF APPEALS	1,219	1,076	-11.7%	1,034	-3.9%	1,087	5.1%	1,114	2.5%
<b><u>ORIGINAL ACTIONS AND CERTIFIED FROM FEDERAL COURT</u></b>									
TOTAL--ORIG. ACTIONS & FED COURT <sup>3</sup>	90	443	392.2%	122	-72.5%	114	-6.6%	148	29.8%
<b><u>WSBA/CJC</u></b>									
TOTAL--WSBA/CJC <sup>4</sup>	5	3	. %	4	. %	61	. %	249	308.2%
TOTAL RESOLVED	1,438	1,618	12.5%	1,320	-18.4%	1,375	4.2%	1,658	20.6%

<sup>1</sup> Implementation of the new Appellate Court Records and Data System (ACORDS-II) in the Supreme Court on 6/09/2003 has enabled improved reporting categories and inclusion of review types that were not published in previous annual reports (death penalty reviews, attorney admission and discipline matters, and miscellaneous motions for review). Figures for all years have been recomputed accordingly for presentation in the 2003 and future publications.

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<sup>3</sup> The overwhelming majority of personal restraint petitions that were filed in 2000 and stayed as of 12/31/2000, were awaiting the opinion in In re Personal Restraint of Matteson, 142 Wn.2d 298, 12 P.3d 585 (2000). That opinion was filed 11/02/2000, and Certificate of Finality was issued 1/24/2001. The stayed cases were dismissed in 2001.

<sup>4</sup> Prior to 2003, resolution and mandate information was not reported for cases from the Washington State Bar Association and the Commission on Judicial Conduct. Recording of this information began for resolutions occurring in 2003 and beyond, but is not available retroactively. As a consequence: (1) pending information is not available for WSBA and CJC cases, and (2) resolution and mandate information is available only for 2003 and beyond.

<sup>5</sup> Percentages are not reported when numbers are small (less than 30).

The Supreme Court  
History of Pending Cases, 2000-2004<sup>1</sup>

	2000	2001	% Chg <sup>5</sup>	2002	% Chg <sup>5</sup>	2003	% Chg <sup>5</sup>	2004	% Chg <sup>5</sup>
<b><u>TRIAL COURTS</u></b>									
Criminal Appeals	7	4		1		8		11	
Civil Appeals	25	42		38		37		32	
Total Appeals	32	46		39		45		43	
Direct Discretionary Review	13	15		4		14		11	
Death Penalty Review	0	3		4		4		3	
Exp. Public Funds	4	9		7		4		13	
TOTAL--TRIAL COURTS	49	73	49.0%	54	-26.0%	67	24.1%	70	4.5%
<b><u>COURT OF APPEALS</u></b>									
Criminal	158	191		225		280		322	
Civil	163	179		206		179		223	
Total Petition for Review	321	370		431		459		545	
Motion for Discr. Review	49	15		13		24		35	
Motion for Discr. Rvw of PRP <sup>2</sup>	35	63		56		60		68	
Certifications/Transfers	9	7		5		8		7	
TOTAL--COURT OF APPEALS	414	455	9.9%	505	11.0%	551	9.1%	655	18.9%
<b><u>ORIGINAL ACTIONS AND CERTIFIED FROM FEDERAL COURT</u></b>									
TOTAL--ORIG. ACTIONS & FED COURT <sup>3</sup>	306	38	-87.6%	42	10.5%	46	9.5%	71	54.3%
<b><u>WSBA/CJC</u></b>									
TOTAL--WSBA/CJC <sup>4</sup>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
TOTAL PENDING DECISION	769	566	-26.4%	601	6.2%	664	10.5%	796	19.9%

<sup>1</sup> Implementation of the new Appellate Court Records and Data System (ACORDS-II) in the Supreme Court on 6/09/2003 has enabled improved reporting categories and inclusion of review types that were not published in previous annual reports (death penalty reviews, attorney admission and discipline matters, and miscellaneous motions for review). Figures for all years have been recomputed accordingly for presentation in the 2003 and future publications.

<sup>2</sup> Improved coding in late 2000 now allows distinct reporting of (1) Motions for Discretionary Review and (2) Motions for Discretionary Review of PRP. Prior to 2001, both are included in Motions for Discretionary Review.

<sup>3</sup> The overwhelming majority of personal restraint petitions that were filed in 2000 and stayed as of 12/31/2000, were awaiting the opinion in In re Personal Restraint of Matteson, 142 Wn.2d 298, 12 P.3d 585 (2000). That opinion was filed 11/02/2000, and Certificate of Finality was issued 1/24/2001. The stayed cases were dismissed in 2001.

<sup>4</sup> Prior to 2003, resolution and mandate information was not reported for cases from the Washington State Bar Association and the Commission on Judicial Conduct. Recording of this information began for resolutions occurring in 2003 and beyond, but is not available retroactively. As a consequence: (1) pending information is not available for WSBA and CJC cases, and (2) resolution and mandate information is available only for 2003 and beyond.

<sup>5</sup> Percentages are not reported when numbers are small (less than 30).

The Supreme Court

Court Activity Trends, All Reviews, 2000-2004<sup>1</sup>

	2000	2001	% Chg	2002	% Chg	2003	% Chg	2004	% Chg
<b>FILINGS</b>									
Total Filings	1,800	1,657	-7.9%	1,542	-6.9%	1,491	-3.3%	1,679	12.6%
<b>RESOLUTIONS<sup>2</sup></b>									
Opinions	106	138		123		129		129	
Motion on the Merits	0	0		0		0		0	
Dismissed	54	345		66		132		16	
Transferred	76	118		119		75		65	
Review Not Accepted	1,051	898		889		578		338	
Other Terminations	151	119		123		461		1,110	
Total Resolved	1,438	1,618	12.5%	1,320	-18.4%	1,375	4.2%	1,658	20.6%
<b>PENDING AT YEAR END<sup>2</sup></b>									
Cases Stayed <sup>3</sup>	287	27		21		18		49	
Cases Ready	13	9		6		5		13	
Cases Not Ready	152	179		160		541		633	
Set for Motion on Merits	0	0		0		0		0	
Set for Motion Calendar	222	271		339		6		4	
Set for Oral Argument	35	28		23		47		41	
Total Awaiting Hearing	709	514	-27.5%	549	6.8%	617	12.4%	740	19.9%
Opinion/Order in Process	60	52	-13.3%	52	0.0%	47	-9.6%	56	19.1%
Total Pending Decision	769	566	-26.4%	601	6.2%	664	10.5%	796	19.9%
<b>MANDATED</b>									
Opinions	102	130	27.5%	120	-7.7%	133	10.8%	135	1.5%
Other	1,304	1,479	13.4%	1,195	-19.2%	1,287	7.7%	1,529	18.8%
Total Mandated	1,406	1,609	14.4%	1,315	-18.3%	1,420	8.0%	1,664	17.2%

<sup>1</sup> Implementation of the new Appellate Court Records and Data System (ACORDS-II) in the Supreme Court on 6/09/2003 has enabled improved reporting categories and inclusion of review types that were not published in previous annual reports (death penalty reviews, attorney admission and discipline matters, and miscellaneous motions for review). Figures for all years have been recomputed accordingly for presentation in the 2003 and future publications.

<sup>2</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of resolution types and the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

<sup>3</sup> The overwhelming majority of personal restraint petitions that were filed in 2000 and stayed as of 12/31/2000, were awaiting the opinion in In re Personal Restraint of Matteson, 142 Wn.2d 298,12 P.3d 585 (2000). That opinion was filed 11/02/2000, and Certificate of Finality was issued 1/24/2001. The stayed cases were dismissed in 2001.

The Supreme Court  
 Court Activity Trends, Cases from Trial Courts, 2000-2004

	2000	2001	% Chg <sup>2</sup>	2002	% Chg <sup>2</sup>	2003	% Chg <sup>2</sup>	2004	% Chg <sup>2</sup>
<b>FILINGS</b>									
Total Filings	103	118	14.6%	146	23.7%	131	-10.3%	151	15.3%
<b>RESOLUTIONS<sup>1</sup></b>									
Opinions	20	21		17		12		22	
Motion on the Merits	0	0		0		0		0	
Dismissed	10	18		15		45		0	
Transferred	34	11		40		21		14	
Review Not Accepted	14	8		20		5		1	
Other Terminations	46	38		68		30		110	
Total Resolved	124	96	-22.6%	160	66.7%	113	-29.4%	147	30.1%
<b>PENDING AT YEAR END<sup>1</sup></b>									
Cases Stayed	0	2		0		4		2	
Cases Ready	6	2		0		1		7	
Cases Not Ready	29	56		46		45		47	
Set for Motion on Merits	0	0		0		0		0	
Set for Motion Calendar	0	0		0		0		0	
Set for Oral Argument	3	4		1		8		3	
Total Awaiting Hearing	38	64	68.4%	47	-26.6%	58	23.4%	59	1.7%
Opinion/Order in Process	11	9	. %	7	. %	9	. %	11	. %
Total Pending Decision	49	73	49.0%	54	-26.0%	67	24.1%	70	4.5%
<b>MANDATED</b>									
Opinions	22	23	. %	14	. %	15	. %	20	. %
Other	100	73	-27.0%	141	93.2%	112	-20.6%	130	16.1%
Total Mandated	122	96	-21.3%	155	61.5%	127	-18.1%	150	18.1%

<sup>1</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of resolution types and the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

<sup>2</sup> Percentages are not reported when numbers are small(less than 30).

The Supreme Court  
 Court Activity Trends, Cases from Court of Appeals, 2000-2004

	2000	2001	% Chg <sup>2</sup>	2002	% Chg <sup>2</sup>	2003	% Chg <sup>2</sup>	2004	% Chg <sup>2</sup>
<b>FILINGS</b>									
Total Filings	1,151	1,122	-2.5%	1,112	-0.9%	1,132	1.8%	1,214	7.2%
<b>RESOLUTIONS<sup>1</sup></b>									
Opinions	75	109		103		103		81	
Motion on the Merits	0	0		0		0		0	
Dismissed	28	27		22		56		10	
Transferred	0	0		0		9		5	
Review Not Accepted	1,033	889		867		557		313	
Other Terminations	83	51		42		362		705	
Total Resolved	1,219	1,076	-11.7%	1,034	-3.9%	1,087	5.1%	1,114	2.5%
<b>PENDING AT YEAR END<sup>1</sup></b>									
Cases Stayed	11	24		14		7		25	
Cases Ready	7	6		4		4		5	
Cases Not Ready	94	88		84		470		545	
Set for Motion on Merits	0	0		0		0		0	
Set for Motion Calendar	222	271		339		6		4	
Set for Oral Argument	32	23		22		29		34	
Total Awaiting Hearing	366	412	12.6%	463	12.4%	516	11.4%	613	18.8%
Opinion/Order in Process	48	43	-10.4%	42	-2.3%	35	-16.7%	42	20.0%
Total Pending Decision	414	455	9.9%	505	11.0%	551	9.1%	655	18.9%
<b>MANDATED</b>									
Opinions	73	100	37.0%	103	3.0%	107	3.9%	85	-20.6%
Other	1,128	976	-13.5%	931	-4.6%	994	6.8%	1,020	2.6%
Total Mandated	1,201	1,076	-10.4%	1,034	-3.9%	1,101	6.5%	1,105	0.4%

<sup>1</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of resolution types and the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

<sup>2</sup> Percentages are not reported when numbers are small(less than 30).

The Supreme Court  
Court Activity Trends, Original Actions, 2000-2004

	2000	2001	% Chg <sup>3</sup>	2002	% Chg <sup>3</sup>	2003	% Chg <sup>3</sup>	2004	% Chg <sup>3</sup>
<b>FILINGS</b>									
Total Filings	316	174	-44.9%	121	-30.5%	127	5.0%	173	36.2%
<b>RESOLUTIONS<sup>1</sup></b>									
Opinions	4	5		1		2		16	
Motion on the Merits	0	0		0		0		0	
Dismissed	14	299		26		29		5	
Transferred	42	107		79		45		46	
Review Not Accepted	3	1		2		15		24	
Other Terminations	21	30		13		19		54	
Total Resolved	84	442	426.2%	121	-72.6%	110	-9.1%	145	31.8%
<b>PENDING AT YEAR END<sup>1</sup></b>									
Cases Stayed <sup>2</sup>	276	1		7		7		22	
Cases Ready	0	1		0		0		1	
Cases Not Ready	29	35		30		26		41	
Set for Motion on Merits	0	0		0		0		0	
Set for Motion Calendar	0	0		0		0		0	
Set for Oral Argument	0	0		0		9		4	
Total Awaiting Hearing	305	37	-87.9%	37	0.0%	42	13.5%	68	61.9%
Opinion/Order in Process	1	0	. %	1	. %	2	. %	2	. %
Total Pending Decision	306	37	-87.9%	38	2.7%	44	15.8%	70	59.1%
<b>MANDATED</b>									
Opinions	2	7	. %	2	. %	2	. %	14	. %
Other	75	428	470.7%	122	-71.5%	126	3.3%	115	-8.7%
Total Mandated	77	435	464.9%	124	-71.5%	128	3.2%	129	0.8%

<sup>1</sup> As a result of the recent transition to the new Appellate Court Records and Data System(ACORDS-II), measurement of resolution types and the various stages of pending caseload are not comparable to measurements for prior years. Extreme caution should be used in interpreting 2003 and future activity relative to that shown for prior years.

<sup>2</sup> The overwhelming majority of personal restraint petitions that were filed in 2000 and stayed as of 12/31/2000, were awaiting the opinion in In re Personal Restraint of Matteson, 142 Wn.2d 298,12 P.3d 585 (2000). That opinion was filed 11/02/2000, and Certificate of Finality was issued 1/24/2001. The stayed cases were dismissed in 2001.

<sup>3</sup> Percentages are not reported when numbers are small(less than 30).

The Supreme Court

Court Activity Trends, Cases from WSBA and Commission on Judicial Conduct, 2000-2004

	2000	2001	% Chg <sup>2</sup>	2002	% Chg <sup>2</sup>	2003	% Chg <sup>2</sup>	2004	% Chg <sup>2</sup>
<b>FILINGS</b>									
Total Filings	230	241	4.8%	159	-34.0%	99	-37.7%	139	40.4%
<b>RESOLUTIONS<sup>1</sup></b>									
Opinions	2	3		1		9		7	
Motion on the Merits	0	0		0		0		0	
Dismissed	1	0		3		1		1	
Transferred	0	0		0		0		0	
Review Not Accepted	1	0		0		1		0	
Other Terminations	1	0		0		50		241	
Total Resolved	5	3	. %	4	. %	61	. %	249	308.2%
<b>PENDING AT YEAR END<sup>1</sup></b>									
Cases Stayed	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Cases Ready	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Cases Not Ready	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Set for Motion on Merits	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Set for Motion Calendar	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Set for Oral Argument	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total Awaiting Hearing	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Opinion/Order in Process	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total Pending Decision	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>MANDATED<sup>1</sup></b>									
Opinions	0	0	. %	0	. %	6	. %	13	. %
Other	1	0	. %	1	. %	54	. %	264	388.9%
Total Mandated	1	0	. %	1	. %	60	. %	277	361.7%

<sup>1</sup> Prior to 2003, resolution and mandate information was not reported for cases from the Washington State Bar Association and the Commission on Judicial Conduct. Recording of this information began for resolutions occurring in 2003 and beyond, but is not available retroactively. As a consequence: (1) pending information is not available for WSBA and CJC cases, and (2) resolution and mandate information is available only for 2003 and beyond.

<sup>2</sup> Percentages are not reported when numbers are small (less than 30).